Docket No.: 12810-00042-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Frank Dietsche et al.

Application No.: 10/529,629 | Confirmation No.: 1355

Filed: March 31, 2005 | Art Unit: 1797

For: METHOD FOR THE DESTRUCTION OF MICROORGANISMS | Examiner: M. R. Chorbaji

STATEMENT OF SUBSTANCE OF INTERVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

INTRODUCTORY COMMENTS

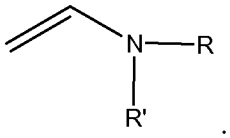
This paper is Applicants' separate Summary of the Substance of Interview regarding the telephone interview with Examiner Chorbaji on June 10, 2009.

Remarks/Arguments begin on page 2 of this paper.

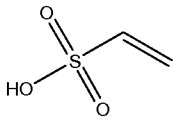
REMARKS

Applicants appreciate the courtesies extended to Applicants' representative by Examiner Chorbaji during the June 10, 2009 telephone interview. The following remarks constitute Applicants' separate record of the substance of interview.

During the June 10 interview, Examiner Chorbabji asserted that the compounds disclosed at col. 9, lines 38 to col. 11, line 6, in U.S. Patent No. 6,458,348 to Tropsch et al. are examples of monomers a), as taught in Tropsch, i.e., primary vinylamines. Applicants' representative disagreed with this assertion and pointed out that the compounds disclosed in Tropsch at col. 9, lines 38 to col. 11, line 6, are examples of additional monomer b) in Tropsch, which do not have to be primary vinylamines, i.e., monomers having the following structure:



As an example, vinylsulfonic acid, suggested at col. 10, line 52, has the following structure:



Vinyl sulfonic acid, however, is not a vinyl amine. Accordingly, the monomers taught in Tropsch at col. 9, lines 38 to col. 11, line 6, are monomers that may be present in a prepolymer in addition to the required primary vinylamines.

Applicants' representative pointed out that the prepolymers taught in Tropsch require the presence of primarly vinylamines as essential structural elements, as taught at col. 1, lines 4-5, of Tropsch. As such, Tropsch does not teach prepolymers consisting of styrenesulfonic acid (col. 10, lines 53, of Tropsch, considered to correspond to (a) in claim 1), N-vinylpyrrolidone (col. 9, lines 28, of Tropsch, considered to correspond to (b) in claim 1), and acrylonitrile (col. 9, line 31,

of Tropsch, considered to correspond to (c) in claim 1) because Tropsch teaches that at least one mol % of the prepolymer units are primary vinylamines. As such, Tropsch fails to suggest features corresponding to the sum of (a), (b), and (c) totals 100 mol%, as recited in claim 1 because Tropsch requires the presence of an additional unit present in the prepolymer, namely a vinylamine. Thus, even if a skilled artisan would select styrenesulfonic acid, N-vinylpyrrolidone, and acrylonitrile to prepare a prepolymer according to Tropsch, the resulting prepolymer would not consist of styrenesulfonic acid, N-vinylpyrrolidone, and acrylonitrile but would, instead, also comprise a primary vinylamine.

No agreement was reached during the interview. However, Examiner Chorbaji stated that he would consider the arguments presented during the June 10 interview in the further prosecution of this application.

In view of the above, Applicants believe the pending application is in condition for allowance.

Applicant believes no fee is due with this Statement. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 12810-00042-US1 from which the undersigned is authorized to draw.

Dated: June 18, 2009

Respectfully submitted,

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